

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

L.T., a minor, et al.,

Plaintiffs,

v.

United States of America,

Defendant.

No. 2:22-cv-00142-KJM-AC

ORDER

This is a medical negligence action related to the birth of L.T., a two-year-old minor. Latisha Watkins, L.T.’s mother, moves to be appointed as L.T.’s guardian ad litem. *See generally* Mot., ECF No. 12. The United States does not oppose that request. ECF No. 14.

“A minor . . . who does not have a duly appointed representative may sue . . . by a guardian ad litem. The court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor . . . who is unrepresented in an action.” Fed. R. Civ. P. 17(c)(2). A guardian ad litem must “be truly dedicated to the best interests of the person on whose behalf [s]he seeks to litigate.” *Whitmore v. Arkansas*, 495 U.S. 149, 163–64 (1990); *Coal. of Clergy, Lawyers, & Professors v. Bush*, 310 F.3d 1153, 1161 (9th Cir. 2002). The court considers whether the proposed guardian ad litem has an “impermissible conflict of interest” with the minor plaintiff and the proposed guardian’s “experience, objectivity, and expertise, . . . or previous relationship” with the minor plaintiff.” *AT&T Mobility, LLC v. Yeager*, 143 F. Supp. 3d 1042,


1 1054 (E.D. Cal. 2015) (internal quotation marks and citations omitted); *see also* *Watson v. Cty. of*  
2 *Santa Clara*, 468 F. Supp. 2d 1150, 1155 (N.D. Cal. 2007) (requiring “a written declaration that  
3 the proposed guardian ad litem is independent and would act in the best interests of the minors”).

4 Based on Watkins’s declaration, ECF No. 12, and a review of the complaint, ECF No. 1,  
5 the court concludes that Watkins does not face any conflict of interest that might prevent her from  
6 representing L.T. She is also an appropriate representative of her minor child. Parents are  
7 commonly appointed as guardians ad litem of their minor children. *Anthem Life Ins. Co. v.*  
8 *Olguin*, No. 06-01165, 2007 WL 1390672, at \*2–3 (E.D. Cal. May 9, 2007); *see also Fontalvo ex*  
9 *rel. Fontalvo v. Sikorsky Aircraft Corp.*, No. 13-0331, 2014 WL 5092742, at \*2 (S.D. Cal. Oct. 9,  
10 2014) (citing *Burke v. Smith*, 252 F.3d 1260, 1264 (11th Cir. 2001)).

11 The motion to appoint Watkins as guardian ad litem (ECF No. 12) is **granted**.

12 IT IS SO ORDERED.

13 DATED: August 30, 2022.

14   
CHIEF UNITED STATES DISTRICT JUDGE